



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

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VIA ECF

The Honorable Mary Kay Vyskocil
United States District Court
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Izhaki & Lebowitz, 20 Cr. 161*

Dear Judge Vyskocil:

The Government writes on behalf of the parties to respectfully request an adjournment of the upcoming status conference in the above-captioned matter, currently scheduled for Friday, October 9, 2020 at 11:30 AM. As the Court is aware, the Court has accepted Sarah Izhaki's plea of guilty; Ms. Izhaki is scheduled to be sentenced on December 2, 2020. The Government and defense counsel for Ashley Lebowitz have continued their discussions regarding a pre-trial disposition, and do not anticipate concluding those discussions before the next status conference. Accordingly, the parties do not seek to set a briefing schedule or trial date, and have no further updates or applications for the Court's consideration.

In light of the foregoing, the Government submits that an adjournment is warranted and would facilitate discussions between the Government and defense counsel for Ms. Lebowitz regarding a pre-trial resolution. For the same reasons, the Government further requests that the Court exclude time under the Speedy Trial Act up to the date of the rescheduled conference, and that the "ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A); *see also id.* § 3161(h)(7)(B) ("The factors, among others, which a judge shall consider in determining whether to grant a continuance . . . [include] [w]hether the failure to grant such a continuance . . . would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.").

The Government has conferred with defense counsel for Ashley Lebowitz, who joins in the request for an adjournment and consents to the exclusion of time under the Speedy Trial Act in order to facilitate the parties' discussions regarding a pre-trial disposition.

Very truly yours,

AUDREY STRAUSS
Acting United States Attorney

by: /s Sarah Mortazavi
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Cc: All counsel of record (via ECF)

GRANTED. At the request of the Parties, the Status Conference scheduled for October 9, 2020 at 11:30AM is adjourned to November 20, 2020 at 11:30AM. It is further ordered that all time between October 9, 2020 and November 20, 2020 is excluded for the purposes of the Speedy Trial Act. The Court notes that Defendant Lebowitz consents to the exclusion of time and adjournment of the October 9, 2020 conference. The Court finds that the ends of justice served by allowing additional time for discovery and continued discussions regarding potential pre-trial disposition of the charges against Defendant Lebowitz outweigh the interests of public and the Defendant in a speedy trial.

SO ORDERED.

Date: 10/5/2020
New York, New York



Mary Kay Vyskocil
United States District Judge